

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 93

This is in response to a letter dated February 11, 1980, submitted by SHOPO on your behalf regarding a negative decision of the Chief of Police regarding your off-hour business activity involving the retail sales of Y products.

We are of the opinion that your activity is contrary to the provisions of the Revised Charter of Honolulu, as amended, [RCH] Section 11-102.3.¹

We understand the facts to be as follows:

1. That you have a dealership in the sale and distribution of Y products.
2. That you intend to sell only to relatives and friends who desire to use the products.
3. That you do not intend to solicit additional sales.
4. That you are employed as a police officer assigned to the Narcotics Division of the City's Police Department.

The foregoing facts indicate that as a City employee your duties involve the exercise of police or enforcement powers. It also shows that you are a dealer in Y products which sales will be limited to relatives and friends who request such products, and you do not intend to solicit. In view of the foregoing facts, opinion numbers 1, 8 and 12 of this Commission are applicable.

Perhaps you may conclude that the opinions are not applicable in this case because you do not intend to solicit any business. You may reach such a conclusion because the cited opinions do refer to the sale of products which involve soliciting. However, in our opinion, whether or not you intend to solicit any sales is not crucial because the potential for solicitation is always present when income is derived from the sale of products.

¹ "No elected or appointed officer or employee shall:

Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which may tend to impair his independence of judgment in the performance of his official duties."

Moreover, we have been informed by the Chief of Police that he has only approved off-hour activities involving the sale of a personal product of a police officer. By personal product he refers to such items as paintings, ceramics, plants, farm produce or other products created or achieved through the personal efforts of the police officer.

In view of the foregoing, we conclude that we concur with the decision of the Chief of Police in denying your application for off-hour activity involving the dealership of Y products.

Dated: Honolulu, Hawaii, October 24, 1980.

ETHICS COMMISSION
Rev. William Smith, Chairman